

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS,  
EASTERN DIVISION

Protect Our Parks, Inc.; Charlotte Adelman;	)	
Maria Valencia and Jeremiah Jurevis;	)	
Plaintiffs,	)	No. 18-cv-0324
v.	)	
	)	Honorable Robert Blakey
Chicago Park District and City of Chicago,	)	Magistrate Mary Rowland
Defendants.	)	

**PLAINTIFFS' LOCAL RULE 56.1 STATEMENT OF UNDISPUTED FACTS IN  
SUPPORT OF THEIR MOTION FOR SUMMARY JUDGMENT**

1. Plaintiff Maria Valencia is a resident of the City of Chicago, State of Illinois, and pays taxes to the City and State. See, Declaration of Maria Valencia attached hereto as Exhibit 1. Plaintiff Charlotte Adelman is a resident of the Village of Wilmette, State of Illinois, and pays State taxes. See, Declaration of Charlotte Adelman attached hereto as Exhibit 2. Plaintiff Protect Our Parks is an Illinois not for profit corporation, with its principal place of business in Chicago, Illinois. See, Declaration of Herbert Caplan attached hereto as Exhibit 3. Protect Our Park's members include individuals who own homes in the City of Chicago, who reside in the City of Chicago, who work in the City of Chicago, and who pay taxes to the City of Chicago and the State of Illinois. See Caplan Declaration, Exhibit 3.

2. The Chicago Park District is a body politic and a corporate entity established by State law pursuant to what is now known as the Chicago Park District Act, 70 ILCS 1505/3. Complaint [Dkt No. 1] at ¶ 23; Answer [Dkt No. 38] at ¶ 23.

3. The City of Chicago is a body politic and a municipal corporation. Chicago Mayor Rahm Emanuel, who had served as former President Obama's personal Chief of Staff from 2009 to 2010 currently acts as a Chief Executive of the City. Complaint at ¶ 24; Answer at ¶ 24.

4. In March 2014, the Barack Obama Foundation (“Foundation”) initiated a search for the future site of what the Foundation terms the “Obama Presidential Center” (“Presidential Center” or “Center”). *See*, City of Chicago January 21, 2015 Ordinance (“2015 Ordinance”) passed in March 2015 at page 1, which such 2015 Ordinance is attached as Exhibit A to Declaration of Mark Roth [Exhibit 4 hereto]. *See also*, Complaint at ¶ 3 and Answer at ¶ 3 admitting to the authenticity of the document.

5. University of Chicago (“UofC”) proposed three sites for the Center, on land containing the South Shore Cultural Center (“South Shore Site”), the Woodlawn site (“Jackson Park Site”), and the Washington Park site (“Washington Site”). Deposition of Eleanor Gorski, a copy of which is attached with exhibits to that deposition as Exhibit 5, at page 34; lines 15-21. Gorski Exhibit 4 at pages 13-85. 2015 Ordinance at page 2.

6. The South Shore Site consists of 28.7 acres owned by the Chicago Park District. Gorski Deposition Exhibit 4 at page 20 (UNIVERSITY 000599).

7. The City of Chicago and Chicago Park District eliminated the South Shore Site from consideration as a potential location for the Presidential Center. 2015 Ordinance at page 2. No vote of the City Council was taken to remove the South Shore Site from consideration. *Id.* The City did not perform any analysis of the benefits and detriments to the City of Chicago, or to the residents of the State of Illinois, regarding locating the Obama Center at the South Shore site. Gorski deposition page 35; lines 15-36; line 1; Page 36; line 3-9.

8. The Washington Site consists of 34.2 acres of land. The Washington Site includes a portion of Washington Park and land across the street from Washington Park, and the Center could be located on the land across the street from Washington Park. Gorski deposition at page

37; line 16-18. Gorski deposition Exhibit 4 at pages 16-17 (University000594-95). 2015 Ordinance at pages 2-3.

9. UofC concluded that placing the Presidential Center on the non-park land proposed for the Washington Site provides an opportunity for the Foundation to develop the Presidential Center without occupying Park District land. Gorski deposition at page 39; lines 5-9. Gorski deposition Exhibit 4 at page 53 (UNIVERSITY 000616). UofC expressly found that the Washington Site “provides an opportunity for the Foundation to develop the Presidential Center without occupying Park District land.” *Id.*

10. UofC concluded that the Washington Site pairs the greatest need with the greatest opportunity. Gorski deposition at page 38; line 23 to page 39; line 2. Gorski deposition Exhibit 4 at page 53 (UNIVERSITY 000616). UofC concluded that “[o]f all the proposed sites, the Washington Park neighborhood is the one with the greatest potential for economic development and growth.” Gorski deposition Exhibit 4 at page 53 (UNIVERSITY 000616).

11. The land that is across the street from Washington Park, which is part of the Washington Site proposed by UofC, contained a filling station and auto garage. Gorski deposition at page 39; lines 17-20; Gorski Exhibit 4 at page 55 (UNIVERSITY 000617). The land across the street from Washington Park is not a park. Gorski deposition at page 45; lines 19-21. Exhibit 4 at page 57 (UNIVERSITY 000618). 2015 Ordinance at pages 2-3.

12. The City of Chicago estimated environmental remediation costs for the Washington Park Site at between \$2,506,836 and \$6,959,946. City of Chicago document “City-011749,” contained in group of documents (CITY-011744-64) attached as Exhibit B to Roth Declaration [Exhibit 4 hereto].

13. The City never performed any analysis of any changes in the roads or streets that would be necessary to accommodate the Center at the Washington Site. Gorski deposition at page 42; lines 12-20. The City never performed any analysis of any costs of any road or street alterations that would be necessary to accommodate the Center at the Washington Site. Gorski deposition at page 42; line 22 to page 43, line 2. The City of Chicago did not perform any analysis as to the fair market value or fair market rental value of the property across the street from Washington Park. Gorski deposition at page 45; line 23 to page 46; line 8.

14. The City did not perform any analysis of any alterations to the public transportation system that would be necessary to accommodate the Center at the Washington Site. Gorski deposition at page 46, lines 10-16. The City did perform any analysis of any costs to the residents of the City of Chicago to alter any public transportation facilities to accommodate the Center at the Washington Site. Gorski deposition at page 46; lines 18-24.

15. Jackson Park is located along the shores of Lake Michigan. Complaint at ¶ 45, Answer at ¶ 45. Jackson Park's landscaping was designed by legendary landscape architects Frederick Law Olmsted and Calvert Vaux. Complaint at ¶ 44, Answer at ¶ 44. Jackson Park is one of the largest public parks on the South Side of Chicago, and is used and enjoyed by local and regional residents. Complaint at ¶ 31, Answer at ¶ 31. The Jackson Park Site was listed on the National Register of Historic Places on December 15, 1972. Complaint at ¶ 37, Answer at ¶ 37.

16. The site for the Presidential Center, the Jackson Park Site, consists of approximately 19.3 acres located in Jackson Park. *See*, Ordinance enacted by the City of Chicago on October 31, 2018 ("2018 Ordinance"), a copy of which is attached as Exhibit C to Roth Declaration [Exhibit 4 hereto]. Complaint at ¶ 50; Answer at ¶ 50. Locating the Center in the Jackson Park Site requires a change in zoning. Complaint at ¶ 16; Answer at ¶ 16.

17. The Jackson Park Site contains a restriction placed by the State of Illinois legislature when the State conveyed the land to the South Park Commissioners (now the Chicago Park District), which such restriction states, in relevant part: “when acquired by said Commissioners, as provided by this act, shall be held, managed and controlled by them and their successors, as a public park, for the recreation, health and benefit of the public, and free to all persons forever.”

Complaint at ¶¶ 16 and 66. Answer at ¶¶ 16 and 66.

18. The University of Illinois Chicago submitted a proposal for locating the Center in Chicago. Gorski deposition page 8; lines 10-11. Exhibit 2 to Gorski Deposition. 2015 Ordinance at pages 1-5. UIC proposed two sites for the Presidential Center. Gorski deposition at page 14; lines 11-14. Exhibit 2 to Gorski deposition at pages B2-B7. 2015 Ordinance at pages 1-5.

19. One of the two sites proposed by UIC is owned by the State of Illinois, and one of the sites is owned by the City of Chicago. Gorski deposition at page 14; line 17 to page 15; line 6. Gorski deposition Exhibit 2 at B2-B6. 2015 Ordinance at pages 1-3. The site proposed by UIC and owned by the City was located in the North Lawndale neighborhood (the “North Lawndale Site”). Gorski deposition at page 15; lines 2-7. Gorski deposition Exhibit 2 at page B2-B6; 2015 Ordinance at pages 1-2. The North Lawndale Site is a 23-acre site. Gorski deposition at page 17; lines 22-23. Gorski deposition Exhibit 2 pages B6. 2015 Ordinance at page 1.

20. The City did not perform an environmental analysis of the North Lawndale Site. Gorski deposition at page 16, lines 5-10. The City did not provide any estimate of costs for any environmental remediation necessary at the North Lawndale site. Gorski deposition at page 16; lines 12-15. The North Lawndale Site is located immediately south of the Eisenhower Expressway, and the site is serviced by the CTA transportation system. Gorski deposition Exhibit 2 at page B3. The City never performed any analysis of any alterations that would be

necessary to the streets or roads as a result of accommodating the Center at the North Lawndale location. Gorski deposition at page 16; lines 20-24. The City never performed any analysis of any road or street alterations that would be necessary to accommodate the Obama Center at the University of Illinois site. Gorski deposition at page 17; lines 1-5. The City never performed any analysis of the costs of any potential street or road alterations as a result of locating the Center at either the UIC site or the North Lawndale site. Gorski deposition at page 17; lines 6-10.

21. The City supported the conveyance of the North Lawndale Site to the Foundation for the Presidential Center. Gorski deposition at page 18; lines 19-23. Gorski deposition Exhibit 2 at B6. 2015 Ordinance at page 2.

22. The City did not have any analysis performed to determine the fair market value or the fair market lease value of the North Lawndale Site. Gorski deposition at page 19; lines 11-17.

23. The North Lawndale Site was a former industrial site, and the site is not a park. Gorski deposition at page 19, line 22 to 20; line 16. Gorski deposition Exhibit 2 page B6. The North Lawndale Site contains no historic, archeological, or ecological features that are sensitive or would be impacted by construction of the Center. Gorski deposition at page 20, lines 17-21. Gorski deposition Exhibit 2 at page B6. The North Lawndale Site is not a historic landmark site. Gorski deposition at page 21, lines 4-6. The North Lawndale site is connected to existing sewer, water, electrical and gas utilities. Gorski deposition Exhibit 3, page 134.

24. The UIC site proposed on UIC's campus is not a park. Gorski deposition at page 30; line 20 to page 31, line 3. The UIC site proposed on UIC's campus has city water, natural gas, and redundant high voltage underground electrical distribution at the site. Gorski deposition at page 29; line 24 to page 31; line 11. 31. Gorski deposition Exhibit 3 at page 134.

25. Nine entities from several locations throughout the country submitted proposals for the Center, which included a total of 14 potential sites. Gorski deposition Exhibit 5. (Document entitled "Summary Report the Barack Obama Presidential Library" produced by the Foundation and numbered OBAMAFUNDATION00002205 to 2272. The Foundation performed an analysis of the proposals from all of the entities and assessed each proposal based on criteria including the desirability of the site and the surrounding community from the Foundation's perspective, accessibility of the site, and the financial benefit offered to the Foundation by the entity sponsoring the site. Gorski deposition Exhibit 5 at page OBAMAFUNDATION00002209.

26. The Foundation ranked the Washington Site as its first choice. Gorski deposition page 52, lines 8-16. Gorski Exhibit 5, page OBAMAFUNDATION2213. The Foundation ranked the Jackson Park Site as its second choice. Gorski Deposition page 53, lines 6-8. Gorski Exhibit 5, page OBAMAFUNDATION2213. The Foundation ranked the UIC Site as its third choice. Gorski deposition at page 51; line 20 to page 52; line 7. Gorski Exhibit 5, page OBAMAFUNDATION2213. The Foundation specifically noted that the UofC sites were particularly desirable because UofC had a multi-billion dollar operating budget and endowment, and that UofC would pledge \$30million to the Foundation in seed funding. Gorski Exhibit 5, page OBAMAFUNDATION2213. The top three sites from the Foundation's perspective were all located in Chicago. Gorski deposition at page 51; line 20 to page 53; line 18.

27. Building the Presidential Center in Chicago would have a benefit to the City because that would allow people to be employed to construct a building. Gorski deposition at page 55; line 18 to page 56; line 3. Another benefit to the Presidential Center would be that there would be hopefully increased tourism to the City of Chicago. Gorski deposition at page 56; lines 5-8. A

further benefit to the Presidential Center in Chicago would be the development of the surrounding area or a community development. Gorski deposition at page 56; lines 9-12. The Presidential Center in Chicago would also have the benefit of educating the people about the former President and his initiatives and service. Gorski deposition at page 56; lines 13-18.

28. Buildings would be built in any of the locations the City considered for the Presidential Center. Gorski deposition at page 56; lines 19-23. The City never performed any analysis of the economic benefits to the City as a result of having the Center built on any particular location. Gorski deposition at page 56; line 24 to page 57; line 2.

29. The City did not perform any analysis of the economic benefits of any increased tourism as a result of having the Obama Center at any one location as opposed to a different location. Gorski deposition at page 57; lines 4-8. The City did not perform any analysis of any community development benefits to the City as a result of building the Center in one location versus other potential locations. Gorski deposition at page 57; lines 9-13. The City did not perform any analysis as to any educational benefits to the City of Chicago or its residents as a result of locating the Center in one particular location as opposed to another location. Gorski deposition at page 57; lines 14-19.

30. The City never performed any study analyzing benefits to the City of the various sites that were proposed for the Presidential Center. Gorski deposition at page 57; lines 20-23.

31. There are detriments to locating the Center in the City of Chicago. Gorski deposition at page 57; line 24 to page 58; line 13. The City never performed any study or analysis of the detriments to the city's residents of having the site at one location versus another proposed location. Gorski deposition at page 58; lines 15-19.



32. The City never performed any study that from the City's perspective, one location for the Presidential Center was more beneficial than another location. Gorski deposition at page 59; lines 13-17. The City never performed any analysis that locating the Obama Center on public parkland would provide any greater benefit than locating it on non-parkland. Gorski deposition at page 59; lines 18-22.

33. The City of Chicago estimated costs for roadway alterations to accommodate the Presidential Center in Jackson Park at \$175 million. City of Chicago Document No. 5499, See Exhibit D to Roth Declaration [Exhibit 4 hereto].

34. The City of Chicago estimated costs for Environmental Remediation to the Jackson Park Site at between \$1,246,083 - \$1,852,831. The City estimated the costs to remediate the non-park land to accommodate the Presidential Center at between \$2,506,836 and \$6,959,946. City of Chicago Document No. 11749. See Exhibit E to Roth Declaration [Exhibit 4 hereto].

35. The City of Chicago estimated costs for relocating utilities for the Presidential Center in Jackson Park at \$3,285,843. City of Chicago Document No. 12172. See Exhibit F to Roth Declaration [Exhibit 4 hereto].

36. The City of Chicago estimated costs for relocation of a water main to accommodate the Presidential Center in Jackson Park at \$367,800, City of Chicago Document No. 427-30. See Exhibit G to Roth Declaration [Exhibit 4 hereto].

37. The City of Chicago actual costs as of end of December, 2018 for Architectural/Engineering services related to the Presidential Center in Jackson Park amounted to \$4,972,798.72. City of Chicago Document No. 424. See Exhibit H to Roth Declaration [Exhibit 4 hereto]. The actual costs for traffic control signal review and street lighting review

amounts to \$75,000. City of Chicago Document No. 431. See I to Roth Declaration [Exhibit 4 hereto].

38. The State of Illinois has budgeted \$224 million to accommodate the Presidential Center in Jackson Park. “New Illinois Budget Includes \$224 Million for Obama Presidential Center,” Illinois Policy Institute, June 19, 2018 available at: <https://www.illinoispolicy.org/new-illinois-budget-includes-224-million-for-obama-presidential-center/>, and attached as Exhibit J to Roth Declaration [Exhibit 4 hereto].

39. In the 2015 Ordinance, the City Council resolved to accommodate the Presidential Center on the Washington Site, the Jackson Park Site or the UIC Site. 2015 Ordinance at pages 1-5. The 2015 Ordinance states that the Park District will transfer either UofC site, the Washington Site or the Jackson Park Site, to the City in order to allow the City to enter into a lease with the Foundation. 2015 Ordinance at page 3.

40. The City of Chicago did not hire or consult with a licensed professional appraiser to evaluate the fair market rental value of the OPC site prior to authorizing its use for the OPC. *See*, Stipulation attached as Exhibit 6 at ¶ 2. The City of Chicago did not hire or consult with a licensed professional appraiser to evaluate the fair market value of the OPC site prior to authorizing its use for the OPC. *See*, Stipulation attached as Exhibit 6 at ¶ 4. The City of Chicago does not possess an expert appraisal or any other documentation regarding either fair market rental value or the fair market value of the OPC Site. *See*, Stipulation attached as Exhibit 6 at ¶ 5. The City of Chicago never took into consideration the potential fair market rental value or the fair market value of the OPC Site before authorizing its use for the OPC. *See*, Stipulation attached as Exhibit 6 at ¶ 6.

41. The City enacted an ordinance on October 31, 2018 (“2018 Ordinance”), which contained exhibits to the Ordinance, including Exhibit D which is a “Use Agreement With The Barack Obama Foundation.” The 2018 Ordinance and exhibits to the 2018 Ordinance are attached as Exhibit C to Roth Declaration [Exhibit 4 hereto]. The Use Agreement is contained on pages 85891 to 85934 and the “(Sub) Exhibit ‘C’ (To Use Agreement With The Barack Obama Foundation) Description Of The Mission Of The Presidential Center” is located on pages 85935 to 85936. *Id.* The Presidential Center will consist of a Museum Building approximately 235 feet tall; a Forum Building; a Library Building, a Program, Athletic and Activity Center; an underground parking garage; a Plaza, and exterior grounds. Complaint at ¶ 14, Answer at ¶ 14.

42. The “Use Agreement” contains the terms under which the Foundation will construct, maintain and operate the buildings and improvements to the grounds that comprise the Presidential Center in Jackson Park. The Use Agreement provides that the Foundation has the right, and obligation, to construct all buildings comprising the Center, to operate and to maintain those buildings. *See*, Use Agreement at Sec. 2.1 and related Definitions. The Use Agreement also provides that the Foundation will improve, possess, and control all of the grounds that comprise the Jackson Park Site. *Id.* The City has no right to possess any portions of the Jackson Park Site during the 99 year term. *See*, Section 2.1; Section 6.1. City representatives only have the right to even enter the Jackson Park Site during operating hours, and for the purpose of inspecting and observing the Foundation’s operation of the Jackson Park Site. *See*, Section 6.4 of Use Agreement. Further, the City only has the ability to inspect the interior of the buildings with minimum 48-hour notice to the Foundation. *See*, Section 6.4 of Use Agreement.

43. The buildings will be open to the public only during certain hours. *See*, Section 6.2 of Use Agreement. The Center will charge fees for entry to the museum and also the parking garage on the Center. *See*, Section 6.10 of Use Agreement.

44. The consideration for the Use Agreement is the payment of \$10 for the first 99 year term of the Use Agreement. *See*, Sections 2.2 and Article III of Use Agreement. Therefore, the Foundation is paying 10 cents per year for the right to exclusively possess the property. The 10cents per year is the only direct compensation that the City will receive from the Foundation. Complaint at ¶ 9; Answer at ¶9. The Foundation is not paying any real estate taxes. *See*, Section10.1 of Use Agreement.

45. The Use Agreement drafted by the City specifically states that the core project of the Foundation is “to build the Presidential Center in Jackson Park.” *See*, Page 1, Section F of Use Agreement. The Use Agreement further provides that “[t]he central mission of the Presidential Center is to house and operate a presidential museum that will present President and Mrs. Obama's story within the broader story of American history, the history of civil rights, and the powerful place of Chicago in American history. The museum will frame President and Mrs. Obama's lives and careers, the 2008 and 2012 presidential elections, and the Obama Presidency in the context of the movements and milestones that helped to shape the Nation over time.” *See*, Page 1, Section G of Use Agreement.

46. The Defendants have stipulated that the Use Agreement is not a “lease.” Transcript of Proceedings dated February 14, 2019 (Exhibit 8) at page 35; line 24 to page 36; line 14.

47. The Chicago Park District transferred the Jackson Park Site to the City of Chicago for \$1.00, and the City states that the transfer was pursuant to the Local Government Property

Transfer Act, 50 ILCS 605/0.01, et seq. See, 2018 Ordinance at page 85885. Complaint at ¶ 98; Answer at ¶ 98.

48. Eleanor Gorski was presented as a Rule 30(b)(6) witness on behalf of the City of Chicago, and topic No 1 of the Rule 30(b)(6) topics pursuant to which Eleanor Gorski was presented for deposition stated as follows:

Person with the most knowledge of the documents produced in response to Plaintiffs discovery requests (and any known related information) containing the factual attributes of the OPC and OPC Site, including any advantages or disadvantages of the OPC or OPC Site, or any alternative design/operating provisions of the OPC, or any alternate sites, provided such center alternatives or alternate sites were actually considered during the design or site selection process, as set forth in produced documents.

See, Exhibit K to Roth Declaration [Exhibit 4 hereto].

49. Four of the museums located in Chicago took over existing buildings and remodeled and/or restored them in part (Museum of Science and Industry, The DuSable Museum of African American History, National Museum of Puerto Rican Arts & Culture, National Museum of Mexican Art); See, Declaration of Ward Miller attached hereto as Exhibit 9 at ¶ 6.

50. Three of the museums in the parks were built on the existing footprints of prior buildings, which were demolished for a new museum structure (The Art Institute of Chicago, Museum of Contemporary Art Chicago, Peggy Notebaert Nature Museum). See, Declaration of Ward Miller attached hereto as Exhibit 7 at ¶ 6.

51. Four museums were built outside of existing parkland (Field Museum of Natural History, Shedd Aquarium, Adler Planetarium, Chicago History Museum [former cemetery grounds]. See, Declaration of Ward Miller attached hereto as Exhibit 7 at ¶ 6.

52. The Art Institute of Chicago and what is referred to as the Allerton Building, the oldest section of the art museum, was constructed in 1893, fronting Michigan Avenue at

Adams Street. No part of what was to become Grant Park (originally known as Lake Park) was destroyed to place the Art Institute in its location. *See*, Declaration of Ward Miller attached hereto as Exhibit 7 at ¶ 7(a).

53. The Museum of Science and Industry building, constructed in 1893, was originally built as "The Palace of Fine Arts" to house paintings and sculpture as part of the World's Columbian Exposition of 1893. . *See*, Declaration of Ward Miller attached hereto as Exhibit 7 at ¶ 7(b).

54. The current Field Museum of Natural History (also known at one time as the Chicago Museum of Natural History) on what is now the Museum Campus was designed by Daniel Burnham and the D.H. Burnham Company Architects and was completed in 1922. The new museum building was originally to be sited on an axis with Congress Parkway and the Lakefront, just east of Michigan Avenue and on the approximate site of Buckingham Fountain. *See*, Declaration of Ward Miller attached hereto as Exhibit 7 at ¶ 7(c).

55. In regards to the John G. Shedd Aquarium, James Simpson, arranged for the South Parks Commission (predecessor of the Chicago Park District) to donate a circle of empty land it owned at the foot of 12<sup>th</sup> Street (now Roosevelt Road) for the site of the public aquarium. While today the Shedd may appear to have been constructed in a park, this is another case where the park came to surround the new building. *See*, Declaration of Ward Miller attached hereto as Exhibit 7 at ¶ 7(d).

56. For the Adler Planetarium, no parkland was disturbed, altered or destroyed in conjunction with the building of the Planetarium. The building was designed by Ernst Grunsfeld in about 1933 and was part of the "Century of Progress"- Chicago World's Fair of 1933. While the Adler Planetarium is not in a typical park, it appears to balance Navy Pier to the north in its overall

plan, loosely following Burnham's 1909 Plan of Chicago. *See*, Declaration of Ward Miller attached hereto as Exhibit 7 at ¶ 7(e).

57. The DuSable Museum of African American History was originally located in the home of Dr. Margaret Burroughs and founded in 1961. In the early 1970s the DuSable Museum relocated from Dr. Burroughs' home to the former South Parks Commission's Headquarters Building in Washington Park, an existing building dating to about 1910. *See*, Declaration of Ward Miller attached hereto as Exhibit 7 at ¶ 7(f).

58. The Peggy Notebaert Nature Museum was designed by Perkins & Will Architects and constructed in 1999 on the site of the former "Shops Buildings" or service buildings of Lincoln Park. These were demolished to allow for the new museum building on the footprint of the razed structure. *See*, Declaration of Ward Miller attached hereto as Exhibit 7 at ¶ 7(g).

59. The Chicago History Museum, originally known as the Chicago Historical Society, was founded in 1856 and was a victim of the Chicago Fire of 1871, when most of its collections were lost to that tragic fire that also destroyed much of the Central Business District. The museum then occupied another building by Henry Ives Cobb, opened in 1896 and located at 632 N. Dearborn Street, the same site as the pre-fire building. It remained in this location for 36 years. In 1932 the Chicago Historical Society moved to the corner of Clark and North Avenue, at the edge of Lincoln Park, a site which was part of a former public cemetery with a mausoleum, several markers and graves still remaining in part. *See*, Declaration of Ward Miller attached hereto as Exhibit 7 at ¶ 7(h).

60. Museum of Contemporary Art/Former Illinois National Guard Armory opened its doors in 1967, in a small building at 237 East Ontario Street, a former bakery building. To accommodate continued growth, in 1999 the MCA reached an agreement to construct a new

building on the site on the partial footprint of the Illinois National Guard's 1st Cavalry Illinois National Guard's Armory, also known as the Chicago Avenue Armory. In about 1993, the historic armory building was demolished and replaced with a new structure. *See*, Declaration of Ward Miller attached hereto as Exhibit 7 at ¶ 7(i).

61. The National Museum of Mexican Art opened its doors in 1987 in Harrison Park. The museum was located in a renovated natatorium building or enclosed pool house. In 2001, the museum expanded to a 48,000 square-foot, state-of-the-art facility on the same site and in 2006 took on a new name, the National Museum of Mexican Art. *See*, Declaration of Ward Miller attached hereto as Exhibit 7 at ¶ 7(j).

62. National Museum of Puerto Rican Arts & Culture/Humboldt Park Stables Located in Humboldt Park, is centered on renovating the historic Humboldt Park Horse Stables, an iconic building that has been culturally and historically significant to Chicago since the late 19th century. *See*, Declaration of Ward Miller attached hereto as Exhibit 7 at ¶ 7(k).

63. No other park building or museum in Chicago's park system rises to 235 feet in the air and no other museum has been newly constructed and situated in a historic Chicago park. *See*, Declaration of Ward Miller attached hereto as Exhibit 7 at ¶ 8.

64. The top choice of former President Obama and the First Lady for the site of the Presidential Center was Jackson Park. See press release attached to Roth Declaration [Exhibit 4 hereto] as Exhibit L. That choice was approved by the Obama Foundation. *Id.*



Respectfully submitted,

/s/ Mark D. Roth

Mark D. Roth

Roth Fioretti, LLC  
Mark Roth  
Robert Fioretti  
311 S. Wacker Drive, Suite 2470  
Chicago, IL 60606  
Phone: (312) 922-6262  
Fax: (312) 922-7747  
Email: mark@rothfioretti.com  
rwfchicago@yahoo.com